

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

STEPHEN ERNEST SASSER

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CRIMINAL NO. 6:05-CR-00116-1

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On February 15, 2011, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant, Stephen Ernest Sasser. The government was represented by Frank Coan, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Wayne Dickey.

Defendant originally pleaded guilty to the offense of Use, Carrying and Possession of a Firearm During and in Furtherance of a Drug Trafficking Crime, a Class A Felony. The offense carried a statutory maximum imprisonment term of life. The United States Sentencing Guideline range, based on a criminal history category of III, was 60 months. On June 19, 2006, District Court Judge Michael H. Schneider of the Eastern District of Texas sentenced Defendant to 60 months imprisonment followed by a three-year term of supervised release, subject to the standard conditions of release, plus special conditions to include financial disclosure and drug aftercare. On March 16, 2010, Defendant completed his period of imprisonment and began service of the supervision term in the Western District of Louisiana.

In its petition, the government alleges that Defendant violated his conditions of supervised release by using methamphetamine on or about August 20 and November 19, 2010, a Grade B violation; and by failing to report to the U.S. Probation Office on December 13, 2010 and failing to

notify the probation office of his change of address, both Grade C violations.

If the Court finds by a preponderance of the evidence that Defendant committed a Grade B or C violation, a statutory sentence of no more than 3 or 2 years of imprisonment, respectively, may be imposed. 18 U.S.C. § 3583(e)(3). Pursuant to § 7B1.3(a)(1) and (2) of the Sentencing Guidelines, violating a condition of supervision by committing a Grade B or C violation allows the Court to revoke probation or supervised release. U.S.S.G. § 7B3.1(a)(1) and (2). Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade B violation is 8 to 14 months and for a Grade C violation is 5 to 11 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the Grade B violation of possession of methamphetamine. The parties agreed on the appropriate sentence of 12 months and 1 day with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984 and the agreement of the parties, the Court **RECOMMENDS** that Defendant, Stephen Ernest Sasser, be committed to the custody of the Bureau of Prisons for a term of imprisonment of 12 months and 1 day with no supervised release to follow. The Court further **RECOMMENDS** that the place of confinement be FCI Oakdale, Louisiana.

The parties have waived their right to object to the finding of the Magistrate Judge in this matter so this Report and Recommendation will be presented to District Judge Michael Schneider for adoption immediately upon issuance.

So ORDERED and SIGNED this 18th day of February, 2011.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE